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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JULIE KOTOZSKY

Plaintiff,

vs.

LONGS DRUG STORES CORPORATION,
 LONGS DRUGS STORES, CALIFORNIA,
 INC.

Defendants.

CASE NO. CV 07-0713 MJJ

STIPULATION AND ~~PROPOSED~~ ORDER
AMENDING COMPLAINT, STRIKING
PLAINTIFF'S REQUEST FOR INJUNCTIVE
RELIEF, AND EXTENDING CERTAIN CASE
MANAGEMENT DEADLINES.

Complaint Filed: February 2, 2007

Plaintiff Julie Kotozsky, individually and on behalf of all others similarly situated
 ("Plaintiff"), and defendants Longs Drug Stores Corporation and Longs Drugs Stores,

California, Inc., (“Defendants”), by and through their respective counsel, hereby stipulate as follows, and mutually request the Court to approve said Stipulation and enter an order in accordance herewith.

STIPULATION

WHEREAS, Plaintiff filed a Complaint for Damages and Injunctive Relief (“Complaint”) in this action on February 2, 2007;

WHEREAS, Defendants’ response to the Complaint is presently due April 30, 2007;

WHEREAS, the Parties’ counsel believe certain amendments to the Complaint are necessary and appropriate;

WHEREAS, the Parties’ counsel further believe that all references to Plaintiff’s request for injunctive relief should be stricken from the Complaint;

WHEREAS, the Parties’ counsel further believe that certain case management deadlines should be extended as specified herein;

WHEREAS, the Parties agree that Plaintiff shall file an amended complaint and that Defendant Longs Drug Stores, California, Inc. shall file its response to Plaintiff’s amended complaint within ten (10) days after service (via electronic notification) of the amended complaint and pursuant to Fed.R.Civ.P. 5(d) and 6(e);

WHEREAS, the Parties further agree that Defendant Longs Drug Stores, California, Inc. shall file an answer to Plaintiff’s amended complaint if the Court approves items (3) through (6) herein without modification;

WHEREAS, the Parties request that the Initial Case Management Conference presently scheduled in this case for Tuesday, June 5, 2007, at 2:00 PM be rescheduled for Tuesday, June 19, 2007, at 2:00 PM;

WHEREAS, the parties recognize that this Court has the power to exercise reasonable control over all proceedings connected with the litigation to ensure the orderly and economic administration of justice;

WHEREAS, the parties further agree that the foregoing requested extensions are not solely for the purposes of delay, but so that the parties may stipulate to amendments to the Complaint in a timely and efficient manner.

IT IS HEREBY STIPULATED BY THE PARTIES THROUGH THEIR COUNSEL OF RECORD THAT:

1. Plaintiff shall file a notice of dismissal pursuant to Fed.R.Civ.P. 41(a)(1) voluntarily dismissing Defendant Longs Drug Stores Corporation from the case, leaving Longs Drug Stores, California, Inc. as the sole defendant in this case.

2. Plaintiff shall file an amended complaint that incorporates the amendments and deletions set forth in items (3) through (6) below.

3. Each reference in the Complaint to “Longs Drugs Stores, California, Inc.” is hereby changed to “Longs Drug Stores, California, Inc.,” with “Drug” being singular.

4. Each reference to “December 4, 2004” in paragraphs 20, 29, 32, and 33 of the Complaint is hereby changed to “January 1, 2005.”

5. Each reference to “persons” and “person’s” in paragraph 14 of the Complaint is hereby changed, respectively, to “consumers” and “consumer’s.”

6. The following portions of the Complaint – each of which relate to Plaintiff’s request for injunctive relief – are hereby stricken:

- Title of Complaint on page 1 and in the footer for each page of the Complaint, the phrase “AND INJUNCTIVE RELIEF”;
- Paragraph 5, the phrase “, and a permanent injunction enjoining Defendants from continuing their unlawful practice of willfully violating FACTA’s provisions intended to safeguard against identity theft and credit and debit card fraud”;
- Paragraph 13, Rule 23(b)(2) from the range “23(b)(1)-23(b)(3) of the Federal Rules of Civil Procedure,” such that only “23(b)(1)” and “23(b)(3)” are alleged, on the ground that class certification pursuant to Rule 23(b)(2) is not appropriate where neither injunctive nor declaratory relief is sought;

- Paragraph 22, the phrase “(d) Whether Plaintiff and members of CLASS A and CLASS B are entitled to a permanent injunction enjoining Defendants from continuing to engage in their unlawful conduct”;
- Paragraph 25, in its entirety;
- Paragraph 45, in its entirety; and
- Prayer for Relief, paragraph 6, in its entirety.

7. Defendant Longs Drug Stores, California, Inc. shall file its response to the amended complaint within ten (10) days after service (via electronic notification) of the amended complaint and pursuant to Fed.R.Civ.P. 5(d) and 6(e).

8. Defendant Longs Drug Stores, California, Inc. shall file an answer to the amended complaint if the Court approves items (3) through (6) above without modification.

9. The Initial Case Management Conference presently scheduled in this case for Tuesday, June 5, 2007, at 2:00 PM is hereby rescheduled for Tuesday, June 19, 2007, at 2:00 PM.

10. The Parties shall have up to and including May 29, 2007 to meet and confer regarding initial disclosures, early settlement, ADR process selection, and a discovery plan and to file a Joint ADR Certification with Stipulation to the ADR Process or a Notice of Need for ADR Phone Conference.

11. Counsel shall submit a Joint Case Management Statement no later than June 8, 2007.

12. The Parties shall have up to and including June 12, 2007 to complete initial disclosures or to state any objections to initial disclosures.

Dated: April 25, 2007

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Dated: April 25, 2007

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ATTESTATION

I attest that signatories Eric A. Grover, Mark R. Thierman, Scott A. Miller and Steven L. Miller have concurred in the filing of this document.

Dated: April 25, 2007


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ORDER

IT IS SO ORDERED.

Dated: April 27, 2007


The Honorable Martin J. Jenkins
United States District Judge